

December 14, 2010

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 2055

Comment to the Federal Communications Commission In the Matter of Framework for Broadband Internet Service (GN Docket No. 10-127)

The Commission has specifically asked for comments regarding three proposed approaches to regulating the Internet: classification as an information service, classification as a telecommunications service, and a generally unregulated approach to the Internet as a whole while identifying wired broadband service as a telecommunications service while tempering that classification and enforcement such that it only applies to universal service, consumer protection, and competition. In evaluating these approaches based on both the information provided in the call for comment and information gathered through other research, I feel that the FCC is on the right track with its third proposal because the Internet is a fundamentally different type of service than either cable television or traditional telecommunications.

It is regretful but understandable that the FCC has essentially caused this problem themselves when they reclassified DSL as an information service to bring it in line with the regulations for cable Internet service rather than moving cable Internet service providers in line with DSL. The Internet under its current classification as an 'information service' puts it in the same classification area as cable television service. While cable companies may also be the service providers for Internet access, the Internet is more than a one-way information stream or entertainment source. To classify it solely as an information service is to dismiss the interactivity of the Internet with the communal creation of knowledge. Cable companies also create partnerships and agreements with television content providers, a relationship that the FCC appears to be discouraging in matters related to the Internet.

Classifying Internet service provision as an information service makes sense only when those who are providing the service are not the same as those who maintain the network itself. In the days of dial-up Internet service, one's service provider was often different from one's telephone service provider. Now, companies like Comcast, Cox, Verizon, AT&T, and Time Warner are filling two roles: they are both providing the access connection and the related services. As such, they have a conflict of interest when it comes to making determinations regarding which services should flow most easily through their connections. On the other side of things, many end users, myself included, pay for Internet service strictly for the connection to the largest network of networks and not for the enhanced services that the service provider may also offer, such as provider-based email, security software, and data hosting services. Service providers are aware that we primarily use them for the connection and related speed and not the "extras," as is obvious from how they advertise their services. For example, the Comcast website advertises "incredibly fast Internet speeds" that allow you to

- Watch streaming HD movies online.
- Play games online with less lag.
- Download music and upload photos in the blink of an eye with PowerBoost
- Get faster Internet connections-even with the whole family online at the same time.<sup>1</sup>

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<sup>1</sup> Claims taken from Comcast's website on December 14, 2010  
<http://www.comcast.com/Corporate/Learn/HighSpeedInternet/highspeedinternet.html>

These services depend on the actual access connection and infrastructure maintained by Comcast, which should fall under the regulatory authority of the FCC even if the services it offers are outside of the FCC's current regulatory authority as delegated by Congress.

Reclassifying the Internet as a telecommunications service would allow for additional regulatory power of the FCC over the relationship between service providers and users but still does not address the complete nature of the Internet. In the telecommunications arena, service providers can still set up price tiers to reflect what kinds of calls are made and to what types of end connections. However, as long as the plan is paid for, each call must be connected equally regardless of end user. Additionally, there is little relationship in most cases between telecommunications service providers and to what ends a consumer may use the service. In the case of the Internet, this is simply not the case as many service providers also play a role as content providers and may have a vested interest in how a consumer uses its services.

I believe that because Internet users both transmit and receive information, its classification should fall more in line with the proposed third approach. The Internet allows people to participate in new ways than either of the other services could facilitate, including distance learning, community organizing, networking, and consumer information gathering. None of these activities could be achieved by either cable television or traditional telecommunications services with the same level of scope and success. Because the functions of the Internet are inherently different, the approach to regulating service and content provision should reflect those differences. The access connection service itself should be regulated and packets should flow based on the preferences and uses of the consumer/end user and not based on the discretion of the service provider.

The proposed approach would be to maintain the current framework that has been accepted for the first 20 years of the existence of the World Wide Web and would simply change how the Internet is classified so that the FCC could work to maintain that freedom of both access and content which has led to commercial innovations, improvements in the lives of people with disabilities, information sharing in both the public and private sector, and the ability of people to organize to embrace democratic ideals.

I appreciate the efforts that you all are conducting into this matter by giving it so much time and consideration, but I will say that at some point, it has to move beyond "ready, aim, study more" and actually get to the point of implementing the policy. Any good policy that you attempt to enact will probably not have the support of all of the service providers out there, but your responsibility is to more individuals than just the industry. I look forward to coming to the December FCC open meeting to learn more about how this policy issue is being framed in discussions.

Thank you,  
Meredith Hundley, MPA